

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NUR QADR,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 14-123E
)	Magistrate Judge Maureen P. Kelly
MR. MICHEAL OVERMYER)	
<i>SUPERINTENDENT</i> ; MR.)	
OBERLANDER <i>DEPUTY SUPT</i> ;)	
DEPUTY HORTON <i>DEPUTY FACILITY</i>)	
MR. DOMBROSKI <i>ACTING</i>)	
<i>CORRECTIONS CLASSIFICATION</i>)	
<i>PROGRAM MANAGER</i> ; MR. WILLIAM)	
COLE <i>CORRECTIONS CLASSIFICATION</i>)	
<i>PROGRAM MANAGER</i> ; MS. C.)	
KENNEDY <i>GRIEVANCE</i>)	
<i>COORDINATOR</i> ; MS. SEIGAL)	
<i>GRIEVANCE COORDINATOR</i> ; JOHN)	
DOE <i>FOOD SERVICE MANAGER</i> ; MR.)	
MCQUOWN <i>FACILITY CHAPLAIN</i>)	
<i>PROGRAM DIRECTOR</i> ; JOHN/JANE)	
DOE <i>CORRECTIONS HEALTHCARE</i>)	
<i>ADMINISTRATOR</i> ; MS. SMITH, RN)	
<i>INFECTIOUS NURSE</i> ; DOCTOR)	
HAVEWOOD <i>HEALTHCARE PROVIDER</i> ;)	Re: ECF No. 9
Defendants.)	

ORDER

Nu Qadr, also known as Jeffrey Pratt (“Plaintiff”) submitted a Motion to Proceed In Forma Pauperis (the “IFP Motion”), ECF. No. 1, along with a civil rights Complaint on April 23, 2014. However, the IFP Motion was deficient. Accordingly, on May 12, 2014, the Court ordered Plaintiff to correct the deficiency and ordered that the Clerk close the case until the deficiency was corrected. ECF No. 2.

Most recently, Plaintiff filed an IFP Motion, ECF No. 7, but it was incomplete because the portion of the IFP Motion that was to be filled out by the Records Officer of the Prison was

not filled out. ECF No. 7 at 2. In addition, Plaintiff did not provide a six month inmate account statement. Plaintiff also filed a “Motion to Proceed 42 USCA 1983 And Order for Prison Accountant to Complete Account Statement for Past Six (6) month’s [sic] and Return to the Court” (“Motion to Proceed”). ECF No. 9.

In the Motion to Proceed, Plaintiff does not explain what efforts he made to have the Prison Accountant or the Prison Records Officer fill out the portion of the IFP Motion required to be filled out by that employee or what efforts Plaintiff made to have that employee provide a six month inmate account statement. Without such a factual basis, the Court declines to Order any official at the prison to do anything. Accordingly, Plaintiff’s Motion to Proceed is hereby **DENIED** albeit without prejudice to being re-filed, accompanied by an affidavit, signed by Plaintiff under penalty of perjury, explaining what efforts he made to have the responsible prison official fill out the required paperwork, explaining when and to whom Plaintiff spoke and/or wrote in order to have the prison official fill out the required paperwork. Plaintiff is given until September 17, 2014 to file the renewed Motion to Proceed with the proper supporting affidavit.

We note that Plaintiff’s Complaint concerns, inter alia, the fact that the Defendants are not recognizing his religious name of “Nur Qadr” and insist on using his commitment name of “Jeffrey Pratt.” ECF No. 1-1, ¶ 4.C. See also ECF No. 4. Although not entirely clear from the Motion to Proceed, it appears that the issue of utilizing Plaintiff’s religious name on official documents may play some role in why the required paper work for the IFP Motion has not been provided to the Court.

The Court will send via first class mail a copy of Plaintiff’s Motion to Proceed, ECF No. 9, a matter of public record, and a copy of this Order, also a matter of public record, to the Inmate Accounting Officer at SCI-Forest to inform that Office of the issue with the Plaintiff’s

IFP Motion and the lack of the required paperwork (i.e., Plaintiff's six month accounting statement and the Accounting Officer's portion of the Prisoner IFP Motion) in order for the Inmate Accounting Office to promptly take any action deemed necessary to comply with the requirements of the Prison Litigation Reform Act in supplying this Court with the necessary paperwork given Plaintiff's expressed desire in the Motion to Proceed that the Inmate Accounting Officer provide such to this Court.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

Date: September 2, 2014

BY THE COURT:

/s/Maureen P. Kelly

MAUREEN P. KELLY

UNITED STATES MAGISTRATE JUDGE

cc: Nur Qadr
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